

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION
CASE NOS. 1:99CV-00002; 1:02CV-00396**

MCI CONSTRUCTORS, LLC)
)
Plaintiffs,)
)
v.)
)
HAZEN AND SAWYER, P.C., a)
North Carolina Corporation and CITY))
OF GREENSBORO, NORTH)
CAROLINA, a municipality organized))
under the laws of North Carolina,)
)
Defendants.)

**NATIONAL UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA'S BRIEF WITH RESPECT TO
ENTRY OF JUDGMENT**

NOW COMES National Union Fire Insurance Company of Pittsburgh, PA, pursuant to the Court's order dated March 13, 2009, and submits this Brief on the issue of whether judgment should be entered against MCI and National Union or held in abeyance pending the outcome of the trial of the claims against Hazen & Sawyer ("H & S"). National Union Fire Insurance Company of Pittsburgh, PA ("National Union") adopts and incorporates the MCI Constructors LLC's Brief With Respect to Entry of Judgment. For the reasons set forth in MCI Constructors LLC's Brief, the Court has the authority to postpone the entry of the judgment and the order, and it should exercise that authority here.

This the 20th day of March, 2009.

Respectfully submitted,

/s/Thomas A. Farr

Thomas A. Farr
OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.
2301 Sugar Bush Road
Suite 600 (27612)
P.O. Box 31608
Raleigh, North Carolina 27622
(919) 787-9700

and

John M. Gillum
MANIER & HEROD
150 Fourth Avenue North
Suite 2200
Nashville, TN 37219
(615) 244-0030

Attorneys for National Union Fire Ins. Co. of
Pittsburgh, PA

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been furnished via first class mail, postage pre-paid upon:

Steve M. Pharr
Stacey D. Bailey
Pharr & Boynton, PLLC
627 Coliseum Drive
Winston-Salem, NC 27106
Attorneys for Hazen and Sawyer

William P.H. Cary, Esq.
Michael D. Meeker, Esq.
John M. DeAngelis, Esq.
Brooks, Pierce, McLendon, Humphrey
&
Leonard, LLP
230 North Elm Street
Suite 200
P.O. Box 26000
Greensboro, NC 27420-6000
Attorneys for City of Greensboro

C. Allen Foster, Esq.
Eric C. Rowe, Esq.
David S. Panzer, Esq.
Greenberg, Traurig, LLP
2101 L Street, N.W., Suite 1000
Washington, DC 20037
Attorneys for Plaintiff

Robert M. Moore, Esq.
Charlie C.H. Lee, Esq.
Moore & Lee, LLP
1750 Tysons Blvd., Suite 1160
McLean, VA 22102-4225
Attorneys for MCI Constructors, LLC

on this the 20th day of March, 2009.

/s/ Thomas A. Farr
Thomas A. Farr
OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.
2301 Sugar Bush Road
Suite 600 (27612)
P.O. Box 31608
Raleigh, North Carolina 27622
(919) 787-9700